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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mototsugu Abe

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

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DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/887,491

Applicant(s)

ABE ET AL.

Examiner

Justin E. Shepard

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 7-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 7-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/15/09 have been fully considered but they are not persuasive.

Page 14, paragraph beginning with "This is clearly":

The applicant argues that Wolzien does not disclose a system for connecting to an information processing unit or an information transmission/reception system To an information unit identified by an access site address included in access site information which corresponds to a commercial message. The examiner disagrees with this statement except that Wolzien does not disclose a system wherein the access site information corresponds to a commercial message. Wolzien (column 7, lines 26-29; figure 1, part 15) receives a television signal with an address encoded in the signal, wherein the user can select to navigate to that address if a button is pressed (column 7, lines 43-46). The unit then connects up to the external network to retrieve the extra information and display it on the screen (column 7, line 61 to column 8, line 5; figure 1, part 30). Zigmond is then added (column 9, lines 61-67) to teach wherein the data link (or address) could be from a commercial sponsor.

Page 15, paragraph beginning with "As the Applicant's"

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the additional information being retrieved without user interaction) are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8-16, 18-25, 27-35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien in view of Zigmond in view of Alexander in view of Dureau in view of Del Sesto.

Referring to claim 1, Wolzien discloses an information transmission/reception system (figure 1, part 10) comprising:

- a transmission unit which generates and sends out a transmission signal containing a commercial message (figure 1, part 15; column 5, lines 4-8);

- a detailed information furnishing unit which furnishes detailed information related to said programming (column 5, lines 43-47; column 7, line 61 to column 8, line 5);

- a signal processing unit (figure 1, part 10; column 5, lines 43-47) including:

- (1) a detecting section which detects said commercial message from said transmission signal sent out from said transmission unit (column 5, lines 43-47),

(2) a first connecting section which connects to said access site information furnishing unit (figure 1, parts 10, 30 and 32),

(3) a first acquisition section which acquires the access site information detected by said detecting section from the access site information furnishing unit connected to said first connecting section (column 5, lines 43-47; column 7, line 61 to column 8, line 5),

(4) a second connecting section which connects to an information unit identified by an access site address included in the access site information acquired by said first acquisition section (figure 2, part 62; column 7, line 61 to column 8, line 5).

Wolzien does not disclose a system wherein said access site information corresponds to the commercial message; and

wherein said detailed information related to said commercial message including air time, frequency and channel information; and

a database unit which registers access site information corresponding to said detailed information;

an access site information furnishing unit which determines whether access site information corresponding to said detailed information is registered in the database unit, and furnishes said access site information if said access site information has been registered in the database unit; and

(5) a second acquisition section which acquires further information related to the commercial message from the information unit based on the air time frequency and channel of the commercial message.

In an analogous art, Zigmond teaches a system wherein said access site information corresponds to the commercial message (column 9, lines 61-67).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add inserting a URL into a commercial as taught by Zigmond to the URL insertion disclosed by Wolzien. The motivation would have been to enable the cable provider to earn more money from the advertisers, by allowing the users to request more information relating to the commercial they just viewed.

Wolzien and Zigmond do not disclose a system wherein said detailed information related to said commercial message including air time, frequency and channel information; and

a database unit which registers access site information corresponding to said detailed information;

an access site information furnishing unit which determines whether access site information corresponding to said detailed information is registered in the database unit, and furnishes said access site information if said access site information has been registered in the database unit; and

(5) a second acquisition section which acquires further information related to the commercial message from the information unit based on the air time frequency and channel of the commercial message.

In an analogous art, Alexander teaches a system wherein said detailed information related to said commercial message including air time, frequency and channel information (column 26, line 61 to column 27, line 2).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the programming information details detecting taught by Alexander to the system disclosed by Wolzien and Zigmond. The motivation would have been to allow the system to deliver focused ads to the user, thereby making the ads more likely to be viewed and more effective.

Wolzien, Zigmond and Alexander do not disclose a database unit which registers access site information corresponding to said detailed information furnishing unit; and

a means for determining whether access site information corresponding to said detailed information furnishing means has been registered, and for furnishing said access site information if said access site information has been registered.

In an analogous art, Dureau teaches a server unit which registers access site information corresponding to said detailed information furnishing unit (figure 1, part 18; column 4, lines 22-25; column 6, lines 26-34); and

a means for determining whether access site information corresponding to said detailed information furnishing means has been registered, and for furnishing said access site information if said access site information has been registered (column 6, lines 26-34).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the site verification taught by Dureau to the system disclosed by Wolzien, Zigmond and Alexander. The motivation would have been to make sure that the content is authentic (column 2, lines 20-21).

Wolzien, Zigmond, Alexander and Dureau do not disclose a system wherein the server unit is a database unit.

In an analogous art, Del Sesto teaches a system wherein the server unit is a database unit (figure 1, part 120).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the database taught by Del Sesto to the server disclosed by Dureau. The motivation would have been to enable the data to be organized for easier access.

Claims 5, 10, 13, 16, 20, 24, 29, 32, and 35 are rejected on the same grounds as claim 1.

Referring to claim 3, Wolzien discloses an information transmission/reception system according to claim 1 wherein said commercial message is contained in a broadcast signal of image and/or speech signals (Abstract; column 1, lines 45-50).

Claims 8, 11, 14, 18, 22, 27, 30, 33, and 37 are rejected on the same grounds as claim 3.

Referring to claim 4, Wolzien discloses an information transmission/reception system according to claim 1 wherein said access site information is one or a combination of an Internet IP address, a URL, an E-mail address and a telephone number (Abstract; column 1, lines 5-11).

Claims 9, 12, 15, 19, 23, 28, 31, 34, and 38 are rejected on the same grounds as claim 4.

Referring to claim 21, Wolzien and Zigmond do not disclose a method for transmitting/receiving the information according to claim 20 further comprising the steps of: detecting transmission time of said commercial message in said transmission signal and a frequency or a transmission channel of said transmission signal; and acquiring said access site information based on the detected transmission time of said commercial message and the detected frequency or the transmission channel of said transmission signal.

In an analogous art, Alexander teaches a method for transmitting/receiving the information according to claim 20 further comprising the steps of: detecting transmission time of said commercial message in said transmission signal and a frequency or a transmission channel of said transmission signal; and acquiring said access site information based on the detected transmission time of said commercial message and the detected frequency or the transmission channel of said transmission signal (column 26, line 61 to column 27, line 2).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the programming information details detecting taught by Alexander to the system disclosed by Wolzien and Zigmond. The motivation would have been to allow the system to deliver focused ads to the user, thereby making the ads more likely to be viewed and more effective.

Claim 25 is rejected on the same grounds as claim 21.

Claims 7, 17, 26, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien, Zigmond, Alexander, Dureau, and Del Sesto as applied to the claims above, and further in view of Marics.

Referring to claim 7, Wolzien, Zigmond, Alexander, Dureau, and Del Sesto do not disclose an information processing apparatus according to claim 5 further comprising: a storage unit which stores said commercial message detected by said detecting section; a browsing unit which browses a plurality of said commercial messages stored in said storage unit as necessary; and a retrieving unit which retrieves a desired commercial message from said plurality of the commercial messages stored in said storage unit.

In an analogous art, Marics teaches an information processing apparatus according to claim 5 further comprising: a storage unit which stores said commercial message detected by said detecting section; a browsing unit which browses a plurality of said commercial messages stored in said storage unit as necessary; and a retrieving unit which retrieves a desired commercial message from said plurality of the commercial messages stored in said storage unit (Abstract; figures 1 and 3).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the URL storing taught by Marics to the system disclosed by Wolzien, Zigmond, Alexander, Dureau, and Del Sesto. The motivation would have been to enable the user to view the ads in their own time, making the ads more likely to be viewed.

Claims 17, 26, and 36 are rejected on the same claim 7.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien, Zigmond, Alexander, Dureau, and Del Sesto as applied to the claims above, and further in view of Goldschmidt.

Referring to claim 39, Wolzien, Zigmond, Alexander, Dureau, and Del Sesto do not disclose an information transmission/reception system according to claim 1 wherein the detecting section detects said commercial message from said transmission signal sent based on at least one transmission property of said commercial message.

In an analogous art, Goldschmidt teaches an information transmission/reception system according to claim 1 wherein the detecting section detects said commercial message from said transmission signal sent based on at least one transmission property of said commercial message (column 5, lines 27-49).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the specific commercial detecting taught by Goldschmidt to the system disclosed by Wolzien, Zigmond, Alexander, Dureau, and Del Sesto. The motivation would have been to enable the system to segment the URL information into groups including programming and commercials, which would enable the user to find the information at a later time.

Referring to claim 40, Wolzien, Zigmond, Alexander, Dureau, and Del Sesto do not disclose an information transmission/reception system according to claim 39 wherein the at least one property includes one of a time duration of the commercial

message, a sound volume of the commercial message, or image switching in the commercial message.

In an analogous art, Goldschmidt teaches an information transmission/reception system according to claim 39 wherein the at least one property includes one of a time duration of the commercial message, a sound volume of the commercial message, or image switching in the commercial message (column 5, lines 27-49).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the specific commercial detecting taught by Goldschmidt to the system disclosed by Wolzien, Zigmond, Alexander, Dureau, and Del Sesto. The motivation would have been to enable the system to segment the URL information into groups including programming and commercials, which would enable the user to find the information at a later time.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

JS